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JAMES C. WRAY  
SUITE 300  
1493 CHAIN BRIDGE ROAD  
MCLEAN VA 22101

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**FEB 15 2005**

**OFFICE OF PETITIONS**

In re Application of :  
Lang et al. : DECISION ON PETITION  
Application No. 09/852,616 : UNDER 37 CFR 1.137(f)  
Filed: 11 May, 2001 :  
For: LOW-DRAG HYDRODYNAMIC SURFACES :

This is a decision on the petition under styled under 37 CFR 1.137(b) which is treated as a petition under 37 CFR 1.137(f),<sup>1</sup> filed on 22 December, 2004, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(f)." This is not a final agency decision.

Petitioner states that the present nonprovisional application is the subject of a foreign or international application. However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a

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<sup>1</sup> 37 CFR 1.137(f) provides for revival of a nonprovisional application which became abandoned pursuant to the provisions of 35 U.S.C. § 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational treaty that requires publication of applications eighteen months after filing.

foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

- (1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The petition lacks item (1). The petition fails to provide proper notice of foreign or international filing pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) in that the filing date of the subsequently-filed foreign or international application must be provided. Petitioner must provide the date that the foreign or multinational application was filed with any renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail:           Mail Stop Petition  
                  Commissioner for Patents  
                  P.O. Box 1450  
                  Alexandria, VA 22313-1450

By FAX:           (703) 872-9306  
                  Attn: Office of Petitions

By hand:          Customer Service Window  
                  Mail Stop Petition  
                  Randolph Building  
                  401 Dulany Street  
                  Alexandria, VA 22314

Receipt of the Rescission of Previous Nonpublication Request filed with the present petition is acknowledged. A Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing, indicating a projected publication date of 26 May, 2005, is enclosed.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

A handwritten signature in black ink, appearing to read 'D. Wood'.

Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions

Encl:       Communication Regarding Rescission of Nonpublication  
             Request and/or Notice of Foreign Filing